

298302

1 STATE OF MICHIGAN

2 THIRD JUDICIAL CIRCUIT COURT - WAYNE COUNTY

3  
4 THE PEOPLE OF THE STATE OF MICHIGAN,

5  
6  
7 -vs- Case No. 09-25646

8  
9 ERIC ARLINGTON OGILVIE,

10 Defendant.

11 \_\_\_\_\_ /  
12 JURY TRIAL

13 BEFORE THE HONORABLE PATRICIA S. FRESARD, CIRCUIT JUDGE

14 Detroit, Michigan on Thursday, February 11th, 2010.

15 APPEARANCES:

16 For the People: SUNITA DODDAMANI, (P67459)  
17 ASSISTANT PROSECUTING ATTORNEY  
18 1441 St. Antoine  
Detroit, Michigan 48226  
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19 For the Defendant: MATTHEW S. KOLODZIEJSKI, (P71068)  
20 Attorney at Law  
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Detroit, Michigan 48226  
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22 REPORTED BY: Sharon Burrell, CSR-5520  
23 Certified Shorthand Reporter  
(313) 224-5210

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2 Detroit, Michigan

3 Thursday, February 11th, 2010

4 At or about 11:23 a.m.

5 (Court, Counsel, and Defendant present.)

6 THE COURT: This is Case No. 09-25646,

7 People versus Eric Ogilvie here today for a

8 continuation of trial.

9 MS. DODDAMANI: Sunita Doddamani for the  
10 People.

11 MR. KOLODZIEJSKI: Matthew Kolodziejski on  
12 behalf of Eric Ogilvie.

13 THE COURT: Counsel, we had indicated  
14 previously that you -- stipulation to send in request  
15 for instructions.

16 I think there were two instructions sent in.

17 First the jury had requested an instruction  
18 for the element of the charges and that was sent in.

19 And second, they requested information about  
20 whether -- I can't remember exactly the way it was  
21 worded, but whether that the instruction on whether  
22 they could convict -- oh, here it is.

23 Could he be guilty of one and not the other or vis  
24 versa, that instruction, and the instruction was sent  
25 in.

1                   It's just a short instruction that says the  
2 Defendant is charged with two counts, that is, these  
3 counts. You may find the Defendant guilty of one or  
4 both or not guilty. That instruction was sent in.  
5 All right.

6                   Other than that I don't believe there were  
7 any other request.

8                   The last note indicates they have reached a  
9 verdict.

10                  Are you ready to receive this verdict?

11                  MS. DODDAMANI: Yes, Judge.

12                  MR. KOLODZIEJSKI: Yes.

13                  THE COURT: Please send the jury in.

14                  THE SHERIFF: All rise. (At about 11:25 a.m.  
15 jurors return to courtroom)

16                  You maybe seated.

17                  THE COURT: Members of the jury. Thank you.  
18 I'm in receipt of a note indicating you have a  
19 verdict. Who will speak for you?

20                  Thank you, sir.

21                  Mrs. Mendoza will accept this verdict from  
22 you. Please stand.

23                  THE CLERK: Foreperson, please state your  
24 name for the record.

25                  THE FOREPERSON: Anthony Putz.

1                   THE COURT: How do you find the Defendant  
2                   Eric Arlington Ogilvie as to Count 1?

3                   THE FOREPERSON: Guilty.

4                   THE COURT: As to Count 2?

5                   THE FOREPERSON: Guilty.

6                   THE COURT: Members of the jury, please  
7                   stand. Raise your right hands.

8                   Members of the jury, you say upon your oath  
9                   that you find the Defendant Eric Arlington Ogilvie  
10                  guilty of felonious assault and guilty of possession  
11                  of a firearm in the commission or attempted commission  
12                  of a felony, so say you, Mr. Foreperson, so say you  
13                  all members of the jury?

14                  THE JURORS: Yes.

15                  THE CLERK: Please be seated.

16                  THE COURT: Is there any request for polling  
17                  the jury?

18

19                  MR. KOLODZIEJSKI: Yes, your Honor, please.

20                  THE CLERK: Juror seat one was that and is  
21                  that your verdict?

22                  JUROR NO. 1: Yes.

23                  THE CLERK: Juror in seat three was that and  
24                  is that your verdict?

25                  JUROR NO. 3: Yes.

1                   THE CLERK: Juror in seat four was that and  
2                   is that your verdict?

3                   JUROR NO. 4: Yes.

4                   THE CLERK: Juror in seat five was that and  
5                   is that your verdict?

6                   JUROR NO. 5: Yes.

7                   THE COURT: Juror in seat six was that and is  
8                   that your verdict?

9                   JUROR NO. 6: Yes.

10                  THE COURT: Juror in seat seven was that and  
11                  is that your verdict?

12                  JUROR NO. 7: It was hard, but yes.

13                  THE COURT: Juror in seat eight was that and  
14                  is that your verdict?

15                  JUROR NO. 8: Yeah.

16                  THE COURT: Juror in seat nine was that and  
17                  is that your verdict?

18                  JUROR NO. 9: Yes.

19                  THE CLERK: Juror in seat ten was that is  
20                  that your verdict?

21                  JUROR NO. 10: Yes.

22                  THE COURT: Juror in seat 11 was that and is  
23                  that your verdict?

24                  JUROR NO. 11: Yes.

25                  THE CLERK: Juror in seat 13 was that and is

1                   that your verdict?

2                   JUROR NO. 13: Yes.

3                   THE CLERK: Juror in seat 14 was that and is  
4                   that your verdict?

5                   JUROR NO. 14: Yes.

6                   THE COURT: Thank you members of the jury.

7                   I'm going to ask you to return to the jury room. I  
8                   want to thank you personally for your time and efforts  
9                   on this case and we'll release you within ten minutes.

10                  THE SHERIFF: All rise.

11                  (At about 11:27 a.m. jury exit courtroom)

12                  THE COURT: We'll get dates for sentencing.

13                  THE CLERK: Bond continued, Judge?

14                  THE COURT: No.

15                  MS. DODDAMANI: Judge, we are going to move  
16                  for remand.

17                  THE COURT: The Defendant has been convicted  
18                  of felony firearm which is a mandatory statutory two  
19                  year prison sentence. So that the Court will remand  
20                  the Defendant.

21                  THE CLERK: Sentencing will be March 1st at  
22                  9:00 o'clock.

23                  (At about 11:28 a.m. proceedings  
24                  concluded.)

25

1 C E R T I F I C A T E  
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3 STATE OF MICHIGAN )  
4 )  
5 COUNTY OF WAYNE )  
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7 I, Sharon Burrell, a Court Reporter, in and  
8 for the County of Wayne, State of Michigan, do hereby  
9 certify that I have reported stenographically, by means of  
10 computer-aided transcription, the proceedings had and  
11 testimony taken in the above-entitled matter.

12 I do hereby certify that the foregoing  
13 transcript constitutes a full, true, and complete  
14 transcript of said stenographic notes.

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17 Sharon Burrell, CSR-5520  
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5 WITNESSES: PEOPLE

6 None  
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8 EXHIBITS:

9 IDENTIFIED RECEIVED

10 None  
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